

# MONTANA CHEMICAL DEPENDENCY CENTER POLICY AND PROCEDURE MANUAL

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<b>Policy Subject: Selective Service Compliance</b>	
<b>Policy Number: PRP 25</b>	<b>Standards/Statutes: ARM 37.27.108</b>
<b>Effective Date: 01/01/02</b>	<b>Page 1 of 5</b>

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**PURPOSE:** Selective Service Compliance Procedure

**Policy:** In order to comply with the Montana Compliance Act, the Department has established this procedure to ensure that only persons who have complied with Selective Service law are employed by our agency. Males over age 18 must certify that they have registered with the Selective Service Registry. Individuals between the ages of 18 and 26 who have not registered will be given the opportunity to register.

Individuals, who are over age 26 and have not registered, will be provided the opportunity to demonstrate through a preponderance of evidence that they did not knowingly or willfully fail to register. Failure to provide documentation of these requirements will disqualify an applicant from employment with our agency.

This procedure will be used when hiring individuals new to state government. Individuals who transfer from another state agency are excluded from this requirement and proof of compliance with Selective Service law will not be required.

**Definitions:**

**Break in service:** A period of time in excess of five working days when the person is not employed and that severs continuous employment.

**Covered individuals:** Male applicants born after 1960 who are new to state government or rehired after a break in service must provide proof of registration or exemption from the selective service requirements. This includes U.S. citizens, naturalized citizens, parolees, refugees, and applicants for asylum. Male persons with disabilities who are able to function in public with or without assistance also must register.

**Covered positions:** This policy covers those positions, which are filled on a full-time or part-time basis, in permanent, temporary, seasonal or short-term worker status.

**Documentation:** this means written documents that support an applicant's claim that he has

registered with the Military Selective Service system, or that he is exempt from the Selective Service requirements.

**Exempted individuals:** State employees who are continuously employed or are transferring without a break in service from another state agency are exempted from this policy. Individuals born on or before December 31, 1959 are exempted. Individuals over age 26 who can show through a preponderance of evidence that they did not knowingly or willingly fail to register with Selective Services are also exempted.

**Preponderance of evidence:** This means a man over age 26 can demonstrate that he did not knowingly or willingly fail to register with the Selective Service program through various documents. Documents may include proof that he has educational or active military service, or is a lawful non-immigrant or a seasonal worker. Documents may also be proof of incarceration, hospitalization or institutionalization during that time period which would exempt him. A person with a disability who provides proof he was confined to a hospital, home or institutional setting would be exempt.

**Verification Procedure:** This procedure will be used in hiring processes for employment of males new to state government or are being rehired to state government after a break in service. This procedure applies to full-time, part-time, permanent, temporary, seasonal and short-term worker positions.

1. At the time of hire, any successful male applicant who was born after January 1, 1960 must certify that he has complied with the Military Selective Service Act before he can be employed. A certification form is attached at the end of this policy. If the applicant states on the certification form he has registered with Selective Service, an offer of employment can be made without further documentation.
2. Any successful male applicant between the ages of 18 and 26 who has not registered with Selective Service must be informed that employment cannot begin until he provides documentation that he has complied or is exempt. The hiring official may provide the applicant with a conditional offer of employment, but the applicant cannot begin work until the certification form has been submitted. Within three days of hire, the applicant must submit proof of registration, such as receipts showing he has applied for the documents. Actual registration documents must be produced within 90 days of hire.

Documents showing registration:

- Registration card issued by Selective Services,
  - Official letter from Selective Service stating a person has registered,
  - Computer screen prints that confirm on-line registration,
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- Copy of form SSForm1M (UPO) that confirms the form as been accurately completed along with information showing the individual submitted the form to the Selective Service System.
3. Any male applicant born on or after January 1, 1960 over age 26, who was required to register and did not, cannot register now. He is prohibited from employment unless he can demonstrate by a preponderance of evidence that he did not knowingly or willfully fail to register.

Documents showing exemption:

- Official letter issued by Selective Service that states a person was not required to register,
- Documents that show active duty military service,
- Documents that show attendance in a service academy, for example, the U.S. Air Force Academy or U.S. Coast Guard Academy,
- Documents that show attendance in a military officer procurement program at the Citadel, North Georgia College and State University, Norwich University, Virginia Military Institute, Texas A&M University and Virginia Polytechnic Institute and State University
- Documents showing an individual is a lawful non-immigrant on a visa (form I-94, I-951) or an individual with Border Crossing Documents (forms I-185, I-186, I-1444)
- Documents showing an individual is a special seasonal agricultural worker (form I-688A),
- Documents showing an individual was incarcerated, hospitalized or institutionalized for medical reasons during the time the individual was required to register,
- Documents showing an individual is a person with a physical or mental disability who was continually confined to a residence, hospital, or institution during the time the individual was required to register.

4. Hiring supervisors need not require further Selective Service information from individuals who:

- Were born on or before December 31, 1959;
- State on the certification form that they have registered;
- Have been continuously employed without a break in service with the State of Montana prior to July 1, 2001;
- Are transferring, without a break in service, to another position within an agency or to another position in another state of Montana executive branch agency;
- Have already provided adequate information, which is available in the individual's official employment records, that confirms Selective Services status;
- Are hired as independent contractors; or
- Are hired as employees of temporary services contractors.

**Notification:**

On those occasions when hiring supervisors need to review and verify selective service documents, they must inform the applicant in writing of his status for employment once that has been determined. The information may be included in the hire letter, or if a conditional offer of employment has been made, by a separate letter. If employment is denied based on lack of registration documents, the applicant is informed in writing. This process should be accomplished within 10 working days of the decision to hire a specific male applicant.

**Request for predetermination:**

When an applicant believes that he has complied with Selective Service law and believes he has supplied the necessary documentation, he can request a predetermination of his denial of employment within five working days of the date of the notification. Supervisors may contact Human Resources for assistance in reviewing the document. The final determination must be in writing and provided to the applicant within 10 working days of the request. This determination is final.

**Dismissal:**

If a man who is currently employed and needs to register, and who does not provide official documents to support his registration with Selective Service within the required timelines, then the supervisor must inform him in writing that he is ineligible for employment. He must be informed that he is required to provide the documentation within five working days or he will be dismissed.

If a supervisor determines that a man who is currently employed supplied false information to support his registration with Selective Service, the supervisor must inform the employee that he will be dismissed unless he can produce the necessary official documents within five working days. The supervisor must be able to show that at the time of hire, the employee gave false information regarding his compliance with Selective Service law. Supervisors must contact Human Resource before dismissing any employees.

**Recordkeeping:**

Documentation of compliance with Selective Service law is maintained in the employee's personnel record. These records are maintained in the Human Resources Office.

This policy shall be followed unless it conflicts with negotiated labor contracts, which shall take precedence to the extent applicable.

Check one:

- ### Non-registered Men Under Age 26

### Non-registered Men Age 26 or Over

If you were born on January 1, 1960 or later, and were required to register but did not do so, you can no longer register under Selective Service law. State of Montana agencies are prohibited from hiring you unless you can prove that your failure to register was neither knowing nor willful. You may request that an agency make a decision regarding your failure to register. Return this certification statement to the agency along with a written statement that requests a review and explains the reasons for your failure to register. You also should submit other documentation that proves your failure to register was neither knowing nor willful.

## False Statement Notification

A false statement may be ground for not hiring you, or for dismissing you if you have already begun work. Also, you may be punished by fine or imprisonment.

Revisions:

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Name	Title	

Approved By: \_\_\_\_\_ 01/01/02  
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